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Office of International Activities
Environmental Protection Agency
May, 1976



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 19, 1976

MEMORANDUM

TO: EPA Staff

FROM: Division of Visitors and Information Exchange
Office of International Activities

SUBJECT: Attached Report on Spain

Attached is a report on Spain, sixth in a series of background country papers for EPA staff involved in international activities. Earlier reports covered national environmental programs in Japan, Luxemburg, Belgium, Great Britain and the Netherlands. Other reports will be:

ASIA

Australia

EUROPE

Austria	Italy
Denmark	New Zealand
France	Norway
Germany (Federal Republic)	Sweden
Ireland	Switzerland

NORTH AMERICA

Canada

The country profiles, together with our monthly bulletin -- "Summaries of Foreign Government Environmental Reports", are to inform EPA staff about national environmental efforts abroad. Suggestions on improving the format or contents of the reports are welcome. Please call Dolores Gregory (202-755-0560).

Attachment

PREFACE

This is a brief report on the organization and management of environmental activities on the national level in Spain. Reports on Japan, Luxemburg, Belgium, Great Britain and the Netherlands have already been distributed. Similar reports on other countries will be available soon. These reports, which are background papers for EPA staff involved in international activities, are not for distribution outside the Agency.

Emphasis is on policy and regulatory functions of national environmental agencies. Research and development, often under the auspices of other departments, for example, science and technology, are not covered in these reports.

Source documents for the reports, received under the International Documents Exchange, are available in the EPA Headquarters Library. English summaries of the foreign documents are published in the monthly bulletin "Summaries of Foreign Government Environmental Reports."

Office of International Activities
May, 1976

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E N V I R O N M E N T A L C O N T R O L I N S P A I N

I. National Organization for Environmental Control

overall government structure

Spain is a monarchy whose present Head of State, King Juan Carlos de Borbon, succeeded to the throne after the death of General Francisco Franco in late 1975. Although Spain has no formal constitution, government powers and structures are regulated in a series of fundamental laws and charters, culminating in the 1967 Organic Law of State. Under this law, the Head of State is the supreme representative of the nation, personifies national sovereignty, and exercises supreme political and administrative power.

The Head of State selects a President of the Government from a list of nominees submitted to him by the Council of the Realm, an important advisory body presided over by the President of the Parliament and consisting of representatives of a wide range of Spanish institutions, including the Church, the military and the judiciary. Together, the Head of State and the President of the Government, as advised by several consultative bodies, particularly the Council of State, the highest consultative body in matters of government and administration, exercise executive powers through the Council of Ministers (the Cabinet), whose members are appointed by the Head of State on the recommendation of the President.

The unicameral parliament (the Cortes) consists of 750 elected and appointed members. Its chief function is the elaboration and approval of legislation submitted to it by the executive.

national environmental control agency

Environmental matters, often treated as aspects of public health administration, are among the concerns of many governmental bodies, nearly all executive ministries and several interministerial commissions having some share in the administration of the numerous environmentally related laws. In order to ensure unity of action among these numerous agencies, a decree promulgated on April 13, 1972 by the President of the Government created the Delegate Commission for the Environment and the Interministerial Commission for the Environment. The Delegate Commission is a superior government organ composed of from 14 to 19 cabinet members and, as an ex officio instrument of the cabinet, is empowered to supervise, coordinate and regulate the environmental activities of the central government ministries as well as of the provincial and local governments.

Serving as the working group for the Delegate Commission for the Environment is the Interministerial Commission for the Environment (Commission Interministerial para el Medio Ambiente - CIMA). (See organizational chart, p 2a.) The July 21, 1974 Decree 2216 reorganized and expanded the membership of CIMA, and the February 6, 1976 Decree 182 promulgated further administrative changes within the government affecting the organization of CIMA. At present, CIMA consists of a plenary committee of 22 members and a standing committee of 11 members to which are responsible seven committees, each concerned with a specific area of environmental protection, namely: urban environment, protection of the atmosphere, protection of inland waters, protection of marine waters, protection of nature and rural areas, environmental sanitation, and international relations. The President of CIMA is the Minister of the Presidency of Government and its Secretary is the Director General of Environmental and Territorial Planning, under the Minister of the Presidency of the Government. Under this

DELEGATE COMMISSION FOR THE ENVIRONMENT													
Minister of Foreign Affairs	Minister of Finance	Minister of Interior	Minister of Public Works	Minister of Education and Science	Minister of Labor	Minister of Industry	Minister of Agriculture	Minister of Aviation	Minister of Commerce	Minister of Information and Tourism	Minister of Housing and Urban Affairs	Minister of Syndical Organizations	Minister President of the Government

INTERMINISTERIAL COMMISSION FOR THE ENVIRONMENT (CIMA)

President: Minister of the Presidency of the Government

Secretary: Director General of Environment and Territorial Planning

Plenary members

Secretary General of the Presidency of the Government
Secretary General of the Ministry of Finance
Director General of Interior Policies
Director General of Ports and Marine Signals
Director General of Fine Arts
Director General of Employment
Director General of the Nuclear Energy Board
President of the National Agrarian Research Institute
Secretary General of the Ministry of Information and Tourism
Director General of the Geographic and Cadastral Institute
A Representative of the Ministry of the Navy
Two Representatives of Syndical Organizations
Vice President of the Scientific Research Council
Director of the National Aerospace Technical Institute
Director of the National Meteorological Institute
A Representative of the Civil Engineering Institute
A Representative of the Architectural Colleges Council
A Representative of the Colleges of Teachers and Doctors of Chemical and Physicochemical Sciences
Two members designated by the President of the Interministerial Commission

Standing Committee

Director General of Local Administration
Director General of Urban Affairs
Committee for Protection of the Urban Environment
Secretary General of the Ministry of Interior
Committee for Protection of the Atmosphere
Director General of Waterworks
Committee for Protection of Inland Waters
Subsecretary of the Merchant Marine
Committee for Protection of Marine Waters
Director of the National Institute for Nature Conservation
Committee for Protection of Nature and Rural Areas
Director General of Sanitation
Committee for Environmental Sanitation
Director General of International Organizations and Conferences
Committee for International Relations
President of the Environmental Commission for the National Development Plan of the Delegation Commission of Economic Affairs

administrative structure, legislation formulated by CIMA is prepared and promulgated through the Ministry of the Presidency of the Government.

agencies for the control of water pollution

Because water is a scarce resource in Spain, the country has long been preoccupied with water supply and quality. For more than a century numerous agencies have been concerned with water management and, for this reason, the present administrative organization of water pollution control is complex and fragmented.

The Ministry of Public Works has the primary responsibility for the administration of surface inland waters, while the Hydrographic Confederations, created in 1926 as autonomous agencies and later put under the jurisdiction of this ministry, are responsible for regional water use planning throughout Spain. Also falling under the aegis of this Ministry are the Central Water Commissary and the regional Water Commissaries (one for each watershed), which are generally responsible for inland water pollution control, water conservation, the inspection and policing of public waterways, and the delegation of water use concessions. The Ministry's Geological Service and Pollution Control Service conduct pollution control research and formulate technical plans for the future control of water pollution and treatment of wastewater.^{1*} The Director General of Waterworks in this Ministry is a CIMA Standing Committee member and presides over CIMA's Committee for the Protection of Inland Waters.

The Ministry of Interior plays an important role in eliciting and setting conditions on local ordinances and regulations dealing with water pollution control. Within this Ministry, the General Directorate of Sanitation is

*All reference notes will be found beginning on page 22.

responsible for controlling water pollution as it affects public health. The Director General of Sanitation is a CIMA Standing Committee member and presides over the Committee for Environmental Sanitation. Administered by the Ministry of the Interior, but actually interministerial in character, is the Central Sanitation Commission, which is responsible for the improvement of sanitary conditions within the municipalities, its primary concerns being water supply quality, sewage disposal and wastewater treatment.²

The Ministry of Industry has broad jurisdiction in controlling wastewater discharges from industrial and mining activities, and is responsible for the administration of underground waters, while specific functions in water pollution control are also among the functions of the Ministry of Agriculture, the Ministry of Information and Tourism, the Ministry of Housing, the Geological and Mining Institute and the Nuclear Energy Board.³

Marine pollution control is among the functions of the Ministries of Commerce, the Navy, Public Works, Finance, Industry and Information/Tourism. The Subsecretary of the Merchant Marine within the Ministry of Commerce is a CIMA Standing Committee member, presiding over the Committee for the Protection of Marine Waters.⁴

agencies for the control of air pollution

Because high levels of air pollution in Spain are relatively recent and localized phenomena, the administration of air pollution control has a shorter history and is not as fragmented as that of water pollution control.

Comprehensive laws and regulations recently developed by the Interministerial Commission for the Environment and promulgated through the former Ministry of Development Planning designate the Ministry of Interior as the agency responsible for monitoring, evaluating and studying air pollution in cooperation

with local governments. Under the general supervision of this Ministry, the provincial civil governors and town mayors are given a wide range of responsibility and authority in passing local pollution control ordinances. Furthermore, within this Ministry's General Directorate of Sanitation is the National Center for Monitoring and Studying Pollution, which operates a national pollution monitoring network.⁵

The Ministry of Agriculture and the Ministry of Industry are responsible for formulating technical air quality standards for industrial activities falling under their respective jurisdictions, and the latter ministry's Service for Pollution Control plays an important role in developing antipollution technology and disseminating information to the public and to interested parties.

The Ministry of Public Works is responsible for controlling air pollution caused by public works projects, port and shipping activities, earth moving activities, construction and similar activities.⁶

other program areas (noise, radiation, pesticides, solid wastes)

Measures for the control of noise nuisances are a responsibility of local governments, which have issued noise control ordinances applicable to stationary noise sources as well as to traffic circulation. With regard to the manufacture of vehicles, the Ministry of Industry, through the Iron and Steel Industries Board, is responsible for specifying and enforcing noise emission controls.

The General Directorate of Sanitation of the Ministry of Interior and the Nuclear Energy Board of the Ministry of Industry work in cooperation to prevent environmental contamination by ionizing radiations. The Commission for Protection against Ionizing Radiations, under the General Directorate of Sanitation, advises in matters concerning radioactive contamination, while the

Nuclear Energy Board is basically responsible for developing nuclear energy programs and promulgating regulations and standards for nuclear energy installations.

The Ministry of Agriculture, as the agency generally responsible for the protection of soil, wildlife, forest resources and the national patrimony, formulates and enforces regulations concerning the sale and use of pesticides. It is assisted in this regard by the General Directorate of Sanitation of the Ministry of Interior, which prepares reports on the toxicity to man of various phytopharmaceutical products.

The Ministries of Industry, Interior, Public Works, Agriculture and Housing, working in cooperation with local governments are responsible for the various aspects of solid waste disposal under their respective jurisdictions.

national, provincial and municipal relationships

There are two levels of government comprising Spanish local administration, the provincial and the municipal, both of which are effectively controlled by the central government through the Minister of Interior (Ministerio de Gobernacion). The 50 provinces are governed by civil governors, appointed by the Council of Ministers on the nomination of the Minister of the Interior. Mayors of municipalities with a population of over 10,000 are also appointed by this Ministry, while mayors of smaller jurisdictions are appointed by the civil governors. The provincial councils (diputaciones) and town councils (ayuntamientos), elected by limited suffrage, have some autonomy but are responsible to the civil governors and town mayors respectively.

Provincial and municipal governments are responsible for creating the ordinances and regulations necessary for the implementation of national environmental legislation. In addition, these governments are empowered to create their

own environmental agencies as conditions dictate, examples of such organizations being the Commission for the Protection of Nature and the Environment of the Province of Valencia and the Air Pollution Control Department of the Municipality of Madrid which, among other things, operates an air pollution monitoring network in that city.⁷ Local agencies must report their activities to the Ministry of the Interior.⁸

Serving as links between central and provincial government are the Technical Services Commissions, provincial-level organizations which house various Delegate Commissions representing the central government and comprised of both provincial and central governmental officials. Of importance in the environmental area are the Delegate Sanitation Commissions, which represent the Central Sanitation Commission of the Ministry of Interior and which deal with sanitation problems within the province. Similar administrative procedures may also be employed on the municipal level.⁹ For example, in early 1975, the central government, concerned about unprecedented levels of air pollution in Madrid, established the Special Commission for the Study and Resolution of Pollution Problems in Madrid. This Commission is presided over by the Mayor of Madrid, but its membership includes environmental authorities from both central and local government agencies.¹⁰

II. Environmental Laws

overall legislative system

Legislation is initiated within the Council of Ministers, where it is put into more or less final form. Drafts of laws and decrees are submitted to the Cortes for appropriate comment or elaboration, but no provisions are made for the initiation of legislation within this body. Legislation can enter into force only upon receiving the signature of the Head of State. In the event of war or of an emergency, the executive may act through decree-laws which are later ratified by the Cortes.

environmental laws

Since Spanish laws dealing with the environment are not only numerous but also fragmented in their approach, one of the first tasks assigned to the Interministerial Commission for the Environment was the compilation of all laws and regulations applicable to various aspects of environmental protection. This resulted in the publication of an annotated chronological collection of 150 laws and regulations pertaining to air and water pollution alone.¹¹ Much of this legislation deals with the creation, duties and organization of the various environmental agencies discussed above, while other legislation sets forth environmental standards and details enforcement procedures for environmental control. The most important of these laws are discussed below.

general

The most comprehensive legislation applicable to environmental matters in general is the November 30, 1961 Decree Approving the Regulation on Nuisances, Unhealthy, Toxic and Dangerous Activities, as supplemented by the March 15, 1963 Order and the August 16, 1968 Decree of the Ministry of Interior, the purpose of which is to prevent any sort of activity from endangering life or property or

contributing to the deterioration of the normal state of the environment. Major provisions establish criteria for: the location of industrial plants, classification of and standards for installations, the control of industrial growth, and the imposition of fines on contraveners. The 1961 Decree provides for enforcement through the licensing of any activity classified as a nuisance, unhealthy, toxic or dangerous and, while retaining municipal jurisdiction over such activities, contains provisions for central government intervention to coordinate activities or provide guidance through the Provincial Technical Services Commission and the civil governors.¹²

water pollution laws

In addition to the provisions applicable to water pollution contained in the Regulation on Nuisances, Unhealthy, Toxic and Dangerous Activities, there are many other laws and regulations dealing with water pollution, the most important of which are summarized below.

The July 13, 1879 Water Law was the first basic law applicable to the control of water pollution. It obligates landowners to drain areas which are declared unsanitary, gives civil governors the authority to suspend industrial activities which may adversely affect water quality, and empowers the government to monitor privately owned lands to ensure that measures are taken to protect public health.¹³

The November 16, 1900 Decree, containing regulations on water pollution and the filling of public waterways, sets forth penalty procedures and formulas for water purification, under the jurisdiction of the civil governors.¹⁴

The February 20, 1942 Stream Fish Law, with its subsequent regulations, provides for the protection of stream fish against all types of water pollutants.¹⁵

The November 14, 1958 Decree on the Policing of Water and Waterways, as

amended by a March 23, 1960 Order, outlines regulations and responsibilities concerning the control and monitoring of polluting industries.¹⁶

air pollution legislation

The basis for a general nationwide environmental policy regarding air pollution control is contained in Law No. 38 on the Protection of the Atmospheric Environment Against Pollution, which was formulated jointly by the Ministry of Industry and the Interministerial Commission for the Environment and signed into law by the Head of State on December 22, 1972. This law sets up the basic framework for the comprehensive control of all types of air pollution.¹⁷ Several regulatory decrees pursuant to this law were promulgated in late 1974 and early 1975.

The August 9, 1974 Decree No. 3025 on the Limitation of Atmospheric Pollution Caused by Motor Vehicles, promulgated by the Ministry of Development Planning, assigns administrative responsibilities and sets comprehensive standards and procedures for the control of vehicle emissions.¹⁸

The February 6, 1975 Decree No. 833 on the Regulation of the 1972 Law on Protection of the Atmospheric Environment, promulgated by the Ministry of Development Planning, represents the most comprehensive regulations under the 1972 Law. Technical standards for air quality and emission levels are set forth, types of potentially polluting activities and principal air pollutants are listed, areas of administrative responsibilities of national and local governments are delineated, and the functions of the National Network for Monitoring and Controlling Air Pollution are described.¹⁹

The March 20, 1975 Decree No. 795, promulgated by the Ministry of Finance, pursuant to Article 11 of the 1972 Law, provides for initial economic assistance to certain industries in their efforts to control atmospheric

pollution arising from their operations.²⁰

These new air pollution regulations contain provisions for a system of monitoring and sanctions against offenders and allow for the modification of provisions, if necessary, to accommodate new developments in industrial growth and technological progress. Contrasting provisions of older laws are abrogated, and the nomenclature and specifications concerning air pollution as contained in the 1961 Regulation on Nuisances, Unhealthy, Toxic and Dangerous Activities must be modified to correspond with the provisions of the new regulations.

legislation in other program areas (noise, radiation, pesticides, solid wastes)

The 1972 Law on the Protection of the Atmospheric Environment Against Pollution defines noise vibrations and the presence of ionizing radiations as forms of air pollution, but pertinent regulations pursuant to the Law have not yet been issued. At present the basic measures controlling these types of pollution are those discussed below.

The November 30, 1961 Decree Approving the Regulation on Nuisances, Unhealthy, Toxic and Dangerous Activities and the supplemental August 16, 1968 Decree of the Ministry of Interior require local governments, under the supervision of the Ministry of Interior, to promulgate ordinances and take measures to control ambient noise levels.

Provisions specifically designed to control noise produced by vehicles are contained in Articles 90 and 210 of the Traffic Code, which require vehicles to be equipped with properly working mufflers,²¹ and in the July 10, 1965 Order of the Presidency, which fixes maximum noise emission levels for certain classes of vehicles and also contains provisions relating to: the inspection of vehicles; noise control devices in vehicle manufacture; fines against violators of noise regulations; and the enforcement of vehicle noise control by the Ministry of Industry and the traffic authorities.²²

The April 29, 1964 Nuclear Energy Law contains basic provisions for preventing radioactive contamination of the environment.²³ This law enumerates the responsibilities of the General Directorate of Sanitation and the Nuclear Energy Board, and Chapter IV sets forth prescribed safety measures to prevent contamination from nuclear installations. Further regulations and standards for nuclear installations are contained in the July 21, 1972 Decree of the Ministry of Industry.²⁴

Provisions for preventing pollution by pesticides are found primarily in health safety regulations controlling the sale and use of phytopharmaceutical products. The February 23, 1965 Order requires the Ministry of Agriculture to classify phytopharmaceutical products into three categories according to their toxicity and further stipulates that before registering any such product the Ministry of Agriculture is to apply to the General Directorate of Sanitation of the Ministry of Interior for a report on the toxicity of the product to man.²⁵ Products registered as highly dangerous may be bought and used only by duly authorized enterprises.

Except for certain stages in the cultivation of olive crops, the use of DDT-based pesticides in food crop treatment is prohibited by the March 22, 1971 Order of the Ministry of Agriculture.²⁶ This order also sets forth certain other administrative controls on the sale and use of DDT-based pesticides.

The November 19, 1975 Law 42 on Municipal Solid Wastes sets up the legislative framework to provide for the proper collection, disposal and, in some cases, the recovery of municipal solid wastes, and to prevent these operations from having any negative impact on the environment. This law will be followed in the near future by a Decree developing its clauses.²⁷

III. Standards

water standards

The most current water quality and effluent standards are contained in the November 30, 1961 Decree Approving the Regulation on Nuisances, Unhealthy, Toxic and Dangerous Substances, which stipulates that wastewater discharges from any installation or activity must meet the following standards:

- 1) suspended particulate matter must comprise no more than 30 mg/liter;
- 2) biochemical oxygen demand, measured after five days at a temperature of 20°C must not exceed 10 mg/liter;
- 3) after seven days of discharge at a temperature of 30°C, no disagreeable odor may be present;
- 4) pH must be between 6 and 9;
- 5) no discharge may raise ambient water pollution levels above the following levels for the following substances:

<u>substance</u>	<u>permissible content in mg/liter</u>
lead	0.10
arsenic	0.20
selenium	0.05
chromium (hexavalent)	0.05
chlorine	1.50
hydrocyanic acid	0.01
fluorides	1.50
iron	0.10
manganese	0.05
carbolic acid compounds	0.001
copper	0.05

air standards

Technical standards and formulas for determining acceptable concentration levels for polluting agents in the ambient air are contained in Annex I to the February 6, 1975 Decree No. 833 on the Regulation of the 1972 Law on Protection of the Atmosphere. Principal polluting agents are listed as: sulfur oxides,

carbon monoxide, nitrogen oxides, hydrocarbons, particulate matter and smoke. Special polluting agents are listed as: lead, chlorine, hydrogen chloride, flourine compounds, hydrogen flourides, hydrogen sulfide, carbon sulfides and sedimentary particulates. Criteria are also presented for designating contaminated zones and declaring states of emergency when the levels of pollutants in the ambient air exceed certain levels.

Annex IV of the February 6, 1975 Decree No. 833 on the Regulation of the 1972 Law on Protection of the Atmosphere sets forth standards establishing maximum permissible emission levels for the various polluting agents emitted from the following types of activities: heating plant operations, industrial combustion, solid waste incineration, iron production, non-ferrous metallurgy, the iron alloy industry, petroleum refinery operations, lime production, cement production, the ceramics industry, glass and mineral fiber production, the asphalt industry, sulfuric acid production, nitric acid manufacture, the fertilizer industry, calcium carbide production, lampblack production, the aluminum industry, chlorine production, arsenic production, antimony production, cadmium production, the pulp and paper industry, viscose production and related processes, sludge incineration, and various miscellaneous activities. Different emission standards are set for existing and new installations, and more strenuous standards projected for 1980 are set for all installations.

Emission control standards for motor vehicles are contained in annexes to the August 9, 1974 Decree No. 3025 on Limitation of Atmospheric Pollution Caused by Motor Vehicles. Annex I prescribes testing procedures, equipment and conversion factors for measuring carbon monoxide emissions from motor vehicles with spark-ignited motors (with the exception of two- or three-wheel vehicles weighing less than 400 kilograms or having a maximum velocity of less than 50

kilometers per hour). Carbon monoxide content in the exhaust of an idling motor (ralenti test system) is not to exceed five percent of the exhaust volume measured at 15° to 20°C and at 750 to 769 millimeters of atmospheric pressure.

Annex II sets forth procedures for measuring the opacity of exhaust smoke from diesel motor vehicles and establishes standards for the opacity of such emissions. Further standards for diesel motors are contained in the Ministry of Industry Order of February 28, 1975, which requires that all diesel motors be fitted with a reinforced seal in fuel injection pumps by October 1975.

local air quality standards

Even before the passage of the 1972 Law on Protection of the Atmospheric Environment, high levels of pollution in cities such as Madrid and Barcelona had prompted the promulgation of local air quality standards in municipal ordinances, such as the 1968 Regulatory Ordinance for Municipal Action Against Air Pollution in Madrid. The new national law requires that local legislation be amended, where necessary, to conform to the minimum requirements of national air quality and emission standards. Municipal governments without local air pollution laws are required to promulgate such laws containing standards as strict or stricter than those found in national laws.

IV. Enforcement Procedures

overall court system

The Spanish judicial system is based on the civil, penal, commercial and labor codes as well as on the codes of civil and criminal procedures. In addition to ordinary courts, which try civil, criminal, administrative and labor cases, there is a military court system with a wide range of jurisdiction in the broadly defined area of national defense. Litigation involving environmental matters can be resolved in the civil, criminal or administrative courts of the ordinary court system.

At the apex of the ordinary court hierarchy is the Supreme Court (Tribunal Supremo), which serves as a court of cassation for civil actions, a court of criminal appeal, and a court of administrative and labor affairs. Next in the judicial hierarchy are the 15 Territorial Courts (Audiencias Territoriales), which serve as courts of second instance in civil matters; the 50 Provincial Courts (Audiencias Provinciales), in which criminal cases are tried and which serve as appellate courts for administrative litigations against local government laws; and the approximately 500 Courts of First Instance (Juzgados de Primera Instancia) for civil cases. Lower courts are the Municipal Courts, District Courts and Courts of Peace, which hear minor civil issues and cases involving petty offenses.

enforcement mechanisms to control

The major means for enforcement of environmental legislation in Spain is the licensing system provided for in the 1961 Regulation on Nuisances, Unhealthy, Toxic and Dangerous Activities, which requires municipal governments, in cooperation with the Provincial Technical Services Commissions and the Civil Governors, to establish a procedure for licensing, classification, review and

inspection of all activities classified as nuisances, unhealthy, toxic or dangerous. Any such existing "activity" must be licensed to continue operations and, if licensed, must meet the standards set forth in regulations within specified time periods. An industrialist who wishes to initiate a new activity or expand an existing one must submit a project report to the municipal government, which then considers the project, making a copy of the report available to local residents for comment. If the project is given municipal approval, it is submitted to the Provincial Technical Services Commission for classification. Other provincial agencies also review the proposed activity for appropriate action or comment, but it is the municipal government which ultimately grants, refuses, or grants conditionally the requested license.

If an industrialist objects to a municipal resolution refusing a permit for a new activity, he may enter an administrative appeal in the provincial court. On the other hand, if a third party wishes to contest the establishment of any such activity, he may also enter his complaint before an administrative court, appealing for revocation of the license.

Responsible parties who do not meet dictated specifications within the allotted time period or otherwise contravene the provisions of these regulations are liable to fines, closure of installations, or revocation of licenses. Court proceedings are initiated only when the responsible party refuses to admit his culpability in the violation of these regulations.

In addition to the administrative enforcement procedures described above, the new air pollution regulations contained in the February 5, 1975 Decree No. 833 on the Regulation of the 1972 Law on Protection of the Environment, refine the system of industrial permits to accommodate air quality and emission standards. Industries must comply with these standards before being

issued a permit for the establishment, modification or transferal of any potentially polluting activity. Additional enforcement mechanisms prescribed in the Decree include a rigorous system of monitoring, inspection and penalizing, where necessary, of air pollution sources, as well as special enforcement procedures applicable to contaminated zones or to situations in which a pollution emergency has been declared.

Certain areas may be declared contaminated zones by the Council of Ministers upon the recommendation of local government and civil governors. Stricter air quality and emission standards are applicable in these areas, and use of better quality fuel for industrial combustion may also be required as well as a limitation on or better distribution of industrial activities.

Areas frequently suffering high levels of air pollution are required to adopt plans of action for emergency proceedings. The civil governor, relying on meteorological data received from the National Network for Controlling and Monitoring Air Pollution, is responsible for declaring a state of emergency and is authorized to impose special limitations on industrial activity and on traffic circulation.

The Ministry of Industry and those local agencies with which it collaborates are responsible for enforcing emission standards contained in the August 9, 1974 Decree No. 3025 on Limitation of Atmospheric Pollution Caused by Motor Vehicles. In addition, traffic authorities are empowered to detain on sight and to test any vehicle suspected of noncompliance with emission standards.

penalties

Under the February 5, 1975 Decree No. 833, authorized agents of national and local governments are to inspect polluting installations at least once a year. Enterprises found to be in contravention of the regulations,

contained in the Decree are subject to fines and/or shutdowns as well as to special continued surveillance. Minor infractions carry fines of up to 50,000 pesetas, while fines for major infractions range from 50,000 to 500,000 pesetas. The exact penalty is to be determined by the competent national or local authority after consideration of such factors as the nature, gravity, intentionality, and recurrence of the offense as well as of the economic capacity of the penalized enterprise to sustain the fine.

Vehicle owners convicted of infractions under the August 9, 1974 Decree No. 3025 on Limitation of Pollution Caused by Motor Vehicles are subject to fines ranging from 250 to 500 pesetas for minor infractions, 1,500 to 3,000 pesetas for serious infractions, and 3,000 to 5,000 pesetas for very serious infractions. Furthermore, vehicles are subject to stricter standards and higher fines in contaminated zones and during states of emergency.

V. Interrelationships Between Government and Industry

Although Spain traditionally has been an agricultural country, the portion of the population engaged in agricultural pursuits dropped from 42% to 28% during the period 1960 to 1970, and by the early 1970's industry accounted for about 35% of the total national output. Major Spanish industrial activities include the production of textiles, especially cotton and woollen goods, and paper, cork and cement production. Shipbuilding is also of major importance, Spain now being the world's third largest shipbuilding nation. Other important industries are engaged in the production of steel and other metals, chemical and fertilizer production, oil refining, and automobile and aircraft production. Although there are some large manufacturing concerns, Spanish industry consists primarily of small firms.

general relationships between government and industry

The Spanish government exercises a strong influence over the economy. Not only are many vital services such as railways, hotels and communication services state-owned, but the government, through the Instituto Nacional de Industria, has large holdings of ordinary shares in industries covering the whole range of the economy, including coal, basic steel, petroleum and petrochemicals, and automobile manufacturing. The government has also traditionally subsidized certain industries.

relationships between government and industry in environmental matters

Until recently there has been a general lack of direct industrial participation in environmental protection efforts.²⁸ Therefore, recent environmental legislation, besides requiring compliance with air quality and emission standards, also contains provisions designed to promote industrial cooperation in this area. Regulations promulgated under the Law on the Protection of the

Atmospheric Environment, for example, require that industrial establishments with more than 250 employees work in cooperation with a research service for resolving or preventing air pollution problems caused by their operations.²⁹

The government also encourages industrial cooperation in air pollution control by offering economic assistance to certain industries. The March 20, 1975 Decree No. 295 stipulates that, upon meeting specified conditions, industrialists in contaminated zones or those under legal obligation to install antipollution devices, may solicit economic assistance from the Ministry of Finance. This assistance may take the form of loans, subsidies or tax incentives.

Reference Notes

Numbers in brackets following entries are the identification numbers assigned to documents which have been abstracted for the Foreign Exchange Documents Program of the E.P.A. Office of International Activities. Copies of documents are filed under these numbers at the E.P.A. Headquarters Library in Washington, D.C.

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2. ibid., p 25.
3. ibid., p 25-27.
4. ibid., pp 21-22, 27-28.
5. "February 6, 1975 Decree No. 833 on Regulating the 1972 Law on Protection of the Atmospheric Environment Against Pollution." Boletin Oficial del Estado, (Madrid), April 22, 1975, p 8392. [ID #01133F]
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8. Leyes de Administracion Local (Codigos y Leyes Espanoles), (Madrid, 1957), p 12.
9. Arroyo Gomez, op. cit., p 22-23.
10. "Pollution in Madrid, Extremely Grave Levels, Government Has Required the Municipality to Conduct a Study of Emergency Anti-Pollution Measures." ABC, (Madrid), January 10, 1975, pp 15, 37-38. [ID #02655A]
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Publications that were of significant value in the preparation of this study and are recommended for those undertaking research on environmental protection in Spain are listed below.

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